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Before the
FEDERAL COMMUNICATIONS COMMISSION OCT - 8 1996
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)

Guidelines for Evaluating the Environmental)
Effects of Radiofrequency Radiation)

ET Docket No. 93-62

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**COMMENTS OF AMERITECH MOBILE COMMUNICATIONS, INC.
ON PETITIONS FOR RECONSIDERATION**

Ameritech Mobile Communications, Inc. (Ameritech) hereby submits its comments in partial opposition to certain petitions for reconsideration filed in the above captioned proceeding. Ameritech applauds the participation of the scientific community in the process of developing standards for evaluating the environmental impact of radiofrequency radiation. As a provider of wireless services, Ameritech stands to benefit from a carefully formulated RF radiation standard, from the standpoint of customer relations, protection from liability and employee safety. However, Ameritech has concerns about some of the procedures suggested by certain parties filing petitions for reconsideration of the Commission's Report and Order, Mimeo No. FCC 96-326, 61 Fed. Reg. 41,006 (Aug. 7, 1996).

In particular, the Ad-hoc Association of Parties Concerned About the Federal Communications Commission's Radiofrequency Health and Safety Rules (the "Ad-hoc Association"), Ergotec Association, Inc., and Marjorie Lundquist, Ph.D., C.I.H. indicate that the Commission's new RF standard is inadequate in certain respects and/or fails to consider "new information." See, e.g., Ad-hoc Association Petition at 3. Ameritech welcomes the input of these

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organizations, but wishes to make certain that the wireless industry is provided with a clear and reasonable path to follow in complying with the Commission's RF radiation rules.

I. A Reasonable, Bright-Line RF Radiation Standard Is Needed.

Experience has shown that there will be a steady stream of "new information" as the scientific community explores the effects of RF radiation, and benefits from new technologies and accumulated knowledge in its study of this area. However, the industry cannot change course, or be subjected to a much stricter "as low as reasonably possible" standard, every time a new study is issued. This is especially true where it is not clear that the new information directly concerns the particular frequencies used by the wireless industry, and where the implications of the new information are not known. For example, the study cited by the Ad-hoc Association concerning the effect of 900 MHz radiation on REM sleep may not reliably predict the impact of cellular operations on REM sleep, since the Ad-hoc Association itself has indicated that only a slight difference in frequency band may make a significant difference in effect. See Ad-hoc Association Petition at 4. Moreover, it is not clear that an eighteen percent reduction in REM sleep is dangerous, or whether it is only the equivalent of trying to sleep in a house located in a noisy neighborhood.

Ameritech welcomes further exploration pursuant to this new information, and does not mean to suggest that the Commission take lightly

those studies cited by the Ad-hoc Association. However, the purpose of the Commission's periodic review of its RF radiation standards is to compile reliable information concerning the effects of such radiation, and to formulate a comprehensive standard that will give the industry guidance in carrying out their operations. This process must be done systematically, and the resulting standards must be based on scientific data which is thoroughly tested and focused on the operations being regulated. There is certainly room for disagreement among "experts" in the field, and the Commission should do its best to resolve such differences. However, the telecommunications industry will not be able to function under the approach suggested by the Ad-hoc Association that the Commission assume the worst in the face of any uncertainty, and "if future evidence shows limits are too strict, they can be lifted." Id. at 2. Billions of dollars are being invested in telecommunications infrastructure, and it is no simple matter to change out a telecommunications system in the wake of each new study. If this "assume the worst" approach were followed in all areas of environmental concern, everyone would be required to wear an oxygen mask, and drinking water would be declared off limits. A more reasonable approach must be taken, so that the industry can make investment and employment decisions.

Moreover, the process must recognize the important safety function served by wireless telecommunications. One of the largest and most important users of wireless services is the public safety community. Cellular, paging and

other mobile radio technologies allow police, fire and medical personnel to quickly reach those in distress. The wireless revolution is also poised to extend communications services to persons that could not previously receive even basic telephone service because of the high cost of reaching them with conventional wireline telephony. These persons may be at far greater risk by not being able to summon help in the event of an emergency than by being exposed to radiation at the limits set by the Commission in this proceeding.

II. The Commission Should Not Impose Unnecessary and Burdensome Licensing and Reporting Requirements.

For the same reasons discussed above, Ameritech must oppose the suggestion of the Ad-hoc Association that current licensees be forced to undergo an immediate re-licensing process. See Ad-hoc Association Petition at 9. The Commission has already provided for an environmental evaluation in the renewal and modification of license process. Requiring a re-licensing of all wireless providers, when the vast majority of operations should prove to be well below the applicable thresholds, would be an unnecessary and unduly burdensome strain on the resources of both the industry and the Commission.

Similarly, Ameritech is concerned about the Ad-hoc Association's suggestion that "all applicants" be required to research and provide the Commission with information concerning residents, schools, and hospitals within 1,000 meters of a proposed facility. Id. at 6. The suggested reporting requirement would appear to apply to any applicant, even if its proposed

operation is well below the relevant threshold for the environmental assessment requirement. Such burdensome reporting requirements would defeat the Commission's purpose in establishing bright-line standards. Ameritech does not oppose such disclosure requirements if a proposed facility would be a major environmental action under the Commission's rules, because such facility would be subject to the environmental assessment requirement in any event.

III. The Commission's Preemption Ruling Must be Broadened Rather Than Reduced.


Ameritech must oppose the suggestion of the Ad-hoc Association (at 8) and Marjorie Lundquist, Ph.D., C.I.H. (at 1) that the Commission clarify its preemption ruling in paragraphs 166 to 168 of its Report and Order, in order to allow state and local governments to regulate RF radiation compliance. Such duplicate regulation would prove disastrous for the industry, which would be required to comply with 50 different and potentially conflicting standards. This is especially unworkable because radio waves cross state boundaries without regard to state or local jurisdiction. Manufacturers and service providers alike must have a single, uniform federal standard, and a uniform compliance procedure. As discussed in Ameritech's September 6, 1996 Petition For Reconsideration and Clarification (at 12-13), federal preemption of state and local RF radiation rules is vital, and should be extended to create a federal rule of liability.

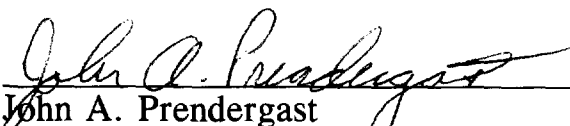
Conclusion

In light of the foregoing, Ameritech opposes the above-described suggestions that the Commission unnecessarily increase the burdens created by the new RF radiation rules.

Respectfully submitted,

**AMERITECH MOBILE
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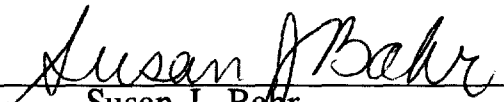
CERTIFICATE OF SERVICE

I, Susan J. Bahr, do hereby certify that I have, on this 8th day of October, 1996, caused to be served by first class U.S. mail, postage prepaid, a copy of the foregoing Comments to the following:

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